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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

FOROUGH FARROKH,

Plaintiff and Appellant,

v.

CALIFORNIA UNEMPLOYMENT  
INSURANCE APPEALS BOARD,

Defendant and Respondent;

ORANGE COUNTY DEPARTMENT OF  
EDUCATION,

Real Party in Interest and Respondent.

G032994

(Super. Ct. No. 02CC12395)

O P I N I O N

Appeal from the denial of a petition for a writ of mandate to challenge a determination of the California Unemployment Insurance Appeals Board, Thierry P. Colaw, Judge. Affirmed.

Forough Farrokh, in pro. per., for Plaintiff and Appellant.

Bill Lockyer, Attorney General, John H. Sanders, Richard T. Waldow and  
Gala E. Dunn Deputy Attorneys General, for Defendant and Respondent.

No appearance for Real Party in Interest and Respondent.

\* \* \*

Appellant appeals from the denial of a petition for a writ of mandate challenging a determination of the California Unemployment Insurance Appeals Board that found she was ineligible for retraining benefits. We find there was substantial evidence that appellant was given adequate notice of the benefits and failed to timely apply for them, and therefore affirm.

## I

### FACTS

Appellant filed a claim for unemployment insurance benefits effective March 18, 2001. She received benefits of \$230 per week. Appellant had two meetings with Employment Development Department (EDD) representatives, during which the basics of unemployment insurance were explained. EDD's claim notes indicated appellant was advised about retraining benefits on March 21, 2001, but appellant could not remember being so advised. Appellant acknowledges receiving EDD's booklet which explained the process for receiving benefits, but she did not read this booklet, believing that the meetings had provided her with all the relevant information. She was also distraught over not having a job and therefore did not think about reading the booklet.

According to EDD records, appellant inquired about retraining benefits on October 10, 2001. Because she failed to apply for retraining approval before the 16th week of actually receiving benefits, her request was denied pursuant to Unemployment

Insurance Code section 1271, subdivision (a) (subsequent statutory references are to the Unemployment Insurance Code). Appellant appealed, and the administrative law judge concluded appellant had been properly advised of the benefits. This decision was affirmed by the California Unemployment Insurance Appeals Board. Appellant subsequently filed a petition for a writ of mandate, which was subsequently denied.

Appellant then filed the instant appeal. The appeal complains, among other things, about the conduct of the trial judge, the administrative law judge, and EDD employees. She also claims to have evidence that she inquired about retraining benefits well in advance of the statutory deadline.

## II

### DISCUSSION

We review the trial court's decision for substantial evidence. (*Fukuda v. City of Angels* (1999) 20 Cal.4th 805, 824.) “‘Substantial evidence’ is evidence of ponderable legal significance, evidence that is reasonable, credible and of solid value.” (*Roddenberry v. Roddenberry* (1996) 44 Cal.App.4th 634, 651.) We focus on the quality of the evidence, rather than the quantity. (*Ibid.*)

Section 1271, subdivision (a) provides: “Any unemployed individual receiving unemployment compensation benefits payable under this division, who applies for a determination of potential eligibility for benefits under this article no later than the 16th week of his or her receiving these benefits, and is determined eligible for benefits under this article, is entitled to a training extension on his or her unemployment compensation claim, if necessary, to complete approved training.” Section 1271.5, subdivision (a), states: “The department shall inform all individuals who claim unemployment compensation benefits in this state of the benefits potentially available under this article and Section 1271. The department may convey this information

verbally or in written form. If in written form, the department may utilize publications or handbooks that inform individuals of their rights and duties in regard to unemployment compensation benefits. These publications, issued by the department pursuant to authorized regulations, may be used to satisfy the requirements of this section.”

Appellant does not appear to challenge that she received notice under section 1271.5, subdivision (a). She claims, however, that she has proof that she inquired about retraining benefits before the time to do so expired. The proof she offers is a pamphlet explaining retraining benefits that she allegedly received after she requested it. The envelope this pamphlet allegedly arrived in was postmarked May 25, 2001. This is not part of the record below, and raises problems regarding authenticity. Moreover, the notion that appellant requested retraining benefits in May 2001 is flatly contradicted by her statement to the administrative law judge that she first became aware of such benefits in September or October 2001, when she was informed of retraining benefits by the instructor of a computer class.

Moreover, even if she had inquired in May 2001 and received the pamphlet, the court could reasonably have concluded that such an inquiry did not constitute “appl[ying] for a determination of potential eligibility for benefits” under the statute. The cover page of the pamphlet states that it describes how to apply for the retraining benefits, thereby giving any reasonable person notice that merely requesting and receiving the pamphlet were insufficient and further steps were needed.

The evidence that appellant was given notice of retraining benefits but failed to timely apply for them was substantial, including appellant’s statements to the administrative law judge and EDD’s case notes. The trial court did not err in denying appellant’s petition.

III

DISPOSITION

The denial of the petition is affirmed. In the interests of justice, each party shall bear its own costs on appeal.

MOORE, J.

WE CONCUR:

O'LEARY, ACTING P. J.

FYBEL, J.